

-PUBLIC NOTICE-

Montana Department of Environmental Quality

announces

Joseph and Ron Klempel

APPLICATION TO AMEND MINING PERMIT

Joseph and Ron Klempel of Bigfork, Montana have submitted to the Montana Department of Environmental Quality (DEQ) an application to amend their gravel mining permit to increase their acreage and to operate a concrete batch plant at a gravel pit located approximately 3.5 miles north of Bigfork. The site is located north of Coverdell Road at an approximate elevation of 3,020 feet, mean sea level (MSL) in the NE¼ of Section 13 of Township 27 North, Range 20 West, in Flathead County.

The applicant proposes to increase the mineable acreage from 7.3 to 17.3, an increase of 10 acres, and to extend the final date of reclamation from December 2005 to October 2015. This expansion would increase the total area of the permit from 27.9 to 37.9 acres and increase the volume of gravel to be mined, crushed and transported from 94,000 to 310,000 cubic yards. The permit currently allows for a crusher, asphalt plant and a scale, and this amendment would add a concrete batch and a wash plant. The site would be dug approximately 30 feet deep, continuing mining easterly into a gravel bank and would be reclaimed back to hayland/pasture. It would be reclaimed by smoothing out the floor and grading slopes to no steeper than 5:1, topsoiling and re-seeding back to grass. This site was granted a Conditional Use Permit (CUP) by Flathead County on June 8, 2005 with various restrictions. Those items include limiting the hours of operations to 7:00 am to 7:00 pm, Monday through Friday, turning off lighting at night and constructing all berms at least 8 feet high. Other conditions are contained in the CUP that are beyond DEQ's authority to enforce.

Copies of the application, maps, and other relevant documents as well as additional copies of the environmental assessment are available from the DEQ at the addresses below. The draft EA will also be available on the DEQ website at <http://deq.mt.gov/ea/opencut.asp>. DEQ will accept written comments on this proposal until 5:00 P.M. on Friday, January 6, 2006. Please mail or fax your comments to one of the addresses listed below. You may also e-mail your comments to rsamdahl@mt.gov.

Department of Environmental Quality
Industrial and Energy Minerals Bureau
109 Cooperative Way, Suite 105
Kalispell, MT 59901
(406) 755-8985 or fax 755-8977

Department of Environmental Quality
Industrial and Energy Minerals Bureau
1520 E. 6th Ave.
Helena, MT 59620
(406) 444-4970 or fax 444-1923

Visit our general website at <http://deq.mt.gov>

DRAFT ENVIRONMENTAL ASSESSMENT
December 22, 2005

Project Name: Klempel Site

Proposed Implementation Date: January 2006

Proponent: Joseph & Ron Klempel

Type and Purpose of Action: The applicant is the owner of the land and has taken over the 27.9-acre gravel mining permit that was issued to JTL in January 2004. The applicant proposes to increase the mineable acreage from 7.3 to 17.3, an increase of 10 acres, and to extend the final date of reclamation from December 2005 to October 2015. This expansion would increase the total area of the permit from 27.9 to 37.9 acres and increase the volume of gravel to be mined, crushed and transported from 94,000 to 310,000 cubic yards. The permit currently allows for a crusher, asphalt plant and a scale, and this amendment would add a concrete batch and a wash plant. The pit is located 3½ miles north of the town of Bigfork. The site is near a glacial pothole north of Coverdell Road at approximate elevation 3020 feet, mean sea level (MSL). The site would be dug approximately 30 feet deep, continuing mining easterly into a gravel bank and would be reclaimed back to hayland/pasture. It would be reclaimed by smoothing out the floor and grading slopes to no steeper than 5:1, topsoiling and re-seeding back to grass. This site was granted a Conditional Use Permit (CUP) by Flathead County on June 8, 2005 with various restrictions. Those items include limiting the hours of operations to 7:00 am to 7:00 pm, Monday through Friday, turning off lighting at night and constructing all berms at least 8 feet high. Other conditions contained in the CUP are beyond DEQ's authority and are the County's responsibility to enforce.

Location: NW¼ NE¼ Section 13, T27N, R20W

County: Flathead

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactable or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations?	<p>The proposed mine is located in rolling terrain pockmarked by glacial potholes below the western foothills of the Swan Mountain Range. The deposit consists of glacial debris overlying deeper valley bedrock. The site is currently used as pasture and hay field.</p> <p>Soils, which are 12 to 24 inches thick, would be salvaged and stockpiled away from the pit, road and facility area, on the north, south and east sides of the pit. Following mining, grading and ripping, the soils would be replaced, disked and seeded back to pasture. There are no fragile, compactable or unstable soils present, no unusual geologic features and no special reclamation considerations.</p>
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	<p>The general area has many glacial pothole lakes, but none are closer than 1000 feet. The closest is Parker Lake located ½ mile northwest at elevation 2973 feet, MSL. Johnson Lake is 0.8 miles southeast at elevation 3007 feet, MSL. The listed water elevation of Parker lake is approximately 47 feet below the planned facility floor.</p> <p>There are 21 water wells registered in section 13, with an average depth of 227 feet, an average static water level of 59 feet and with an average yield of 39 gallons per minute. The wells in this area are a mix of domestic drinking water, irrigation and stockwater wells. These wells are relatively deep, and they have fair yields. This operation would not intercept or affect groundwater and would have no discharge into flowing water.</p> <p>The water wells in the area are drilled into deeper aquifers and grouted past the shallow water table, which is exposed as surface water in many of these potholes lakes.</p>

	Special precautions would be taken to minimize possible contamination of the groundwater. Portable equipment with fuel tanks such as loaders and trucks would be in various places within the facility. Any accidental spills or leaks from equipment would be excavated and disposed of. No waste or trash would be disposed of at the site. With these precautions, the quality and quantity of the groundwater should not be adversely impacted.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	Air quality would be degraded at times and there would be an increase in particulate matter during times of operation. Dozers, loaders, crushers, asphalt plants and trucking equipment typically cause dusty conditions in disturbed soil sites. Dust would be controlled around the site by water truck and dust suppressant would be applied to the road. The site is not within a Class I airshed.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?	There are no known rare or sensitive plants in the site area. Vegetation consists of pasture grasses and covers 95% of the ground. It would be removed and, after mining was complete, the site would be planted with grass species compatible with the proposed reclaimed use. There are no rare plants or cover types present.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	Although the area is used primarily for pasture and hay production, it also supports populations of deer, elk, bears, rodents, song birds, coyotes, foxes, raptors, insects and various other animal species. Population numbers for these species are not known. The proposed mine is not expected to significantly degrade wildlife populations.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	The Natural Heritage Program and site evaluations have not revealed any endangered or threatened plant or animal species that would be directly affected.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	Although there are cultural values in the general area, this site has been previously disturbed by modern man, thus destroying the integrity of resources that may have existed. A surface reconnaissance did not discover any cultural, historical or archeological resources. The operator would give appropriate protection to any values or artifacts discovered in the affected area. If significant resources are found, the operation would be routed around the site of discovery for a reasonable time until salvage can be conducted. The State Historic Preservation Office would be promptly notified.
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	<p>The site is located in a scenic, but not unique area. There would be a deterioration of aesthetics while the operation is under way. However, reclamation would return the area to a visually acceptable landscape.</p> <p>The site is visible by homes and roads in the local area. Hours of operation for the site would be 7:00 am to 7:00 pm, Monday through Friday with no expanded hours for special projects. All lighting would be shut down after those hours, and all soil berms would be built at least 8 feet high and planted immediately with grass seed.</p> <p>Noise levels generated by a crusher, asphalt plant, dozers, loaders and truck traffic hauling to off-site projects at the pit are generally within the range of 60 to 90 decibels measured on-site, decreasing with distance. As a comparison, sound levels for ordinary activities such as close conversation at 60 decibels and music from a radio at 70 decibels are considered to be moderate. Levels above 90 decibels are severe, and prolonged exposure to employees on site without hearing protection could lead to hearing loss. These impacts would be intermittent and of relatively short duration.</p>
9. DEMANDS ON ENVIRONMENTAL	None.

RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other studies, plans or projects on this tract?	None.
IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	Heavy equipment and facilities including crushers, wash plants, asphalt and concrete plants, trucks and loaders would create hazards, but the operator must comply with all MSHA and OSHA regulations. The operator must employ proper precautions to avoid accidents. This proposed operation should not significantly affect human health.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	The acreage listed in the Type and Purpose of Action would be taken out of agricultural/grazing and put into industrial/commercial use. Upon completion of mining, the land would be reclaimed to pasture.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?	The operation would require periodic site evaluations by DEQ staff until such time as the site is successfully reclaimed to the required post-mining use. However, these evaluations are usually performed in conjunction with other area operations.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	City/County zoning clearance has been granted. The Flathead County Board of Adjustments approved a Conditional Use Permit (CUP) on June 8, 2005 to allow for the existing JTL permit to be transferred to the Klempels. The CUP limits the hours of operation, requires lighting to be shut off at night and requires berms to be at least 8 feet high and seeded to grass. Other conditions such as mosquito control, improvements on the nearby county road, fencing, signage and others, which are outside the authority of the DEQ, were placed on the CUP, but they are the responsibility of the County to enforce.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	The site and land surrounding it have generally consisted of a rural/residential area that has undergone some increasing homesite development in the recent past; the site has been mined and used for crushing

	and asphalt production over the past year. Upon reclamation, the site would be reclaimed to pasture.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	This mine expansion would temporarily consume more agricultural land, but reclamation would return it to productive pasture.
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	This site has been developed as a gravel pit under objection by several residents in the area who have observed the operation since December 2, 2003. Plans to end mining in 2004 have changed and the residents would notice continued mining, processing and hauling from the pit for 10 years unless circumstances change before then.

22. Alternatives Considered:

A. Denial: DEQ would deny an incomplete application or one that does not otherwise comply with the Opencut Mining Act and pursuant rules. The proponent could then submit a modified application or submit an application for another site.

B. Approval of the application with mitigating conditions: The Plan of Operation has been written with mitigating conditions including hours of operation, water protection, soil salvage and full reclamation.

23. Public Involvement, Agencies, Groups or Individuals contacted: State Historic Preservation Office, Montana Heritage Program, Flathead County Weed Control District, Flathead County Planning for zoning. The Flathead County Board of Adjustments met on June 7, 2005 and approved the Klempels' application to take over and expand the mining permit. This DRAFT EA will be advertised and public comments will be requested regarding proposed changes to the original JTL permit.

24. Other Governmental Agencies with Jurisdiction, List of Permits Needed: Mine Safety and Health Administration for safety permit; DEQ for Air Quality Permit; Flathead County for Conditional Use Permit.

25. Magnitude and Significance of Potential Impacts: Impacts are unlikely to be significant on the general environment because of the scope and location of the project, the lack of significant or threatened wildlife or habitat, and because of the mitigation measures placed in the Plan of Operation.

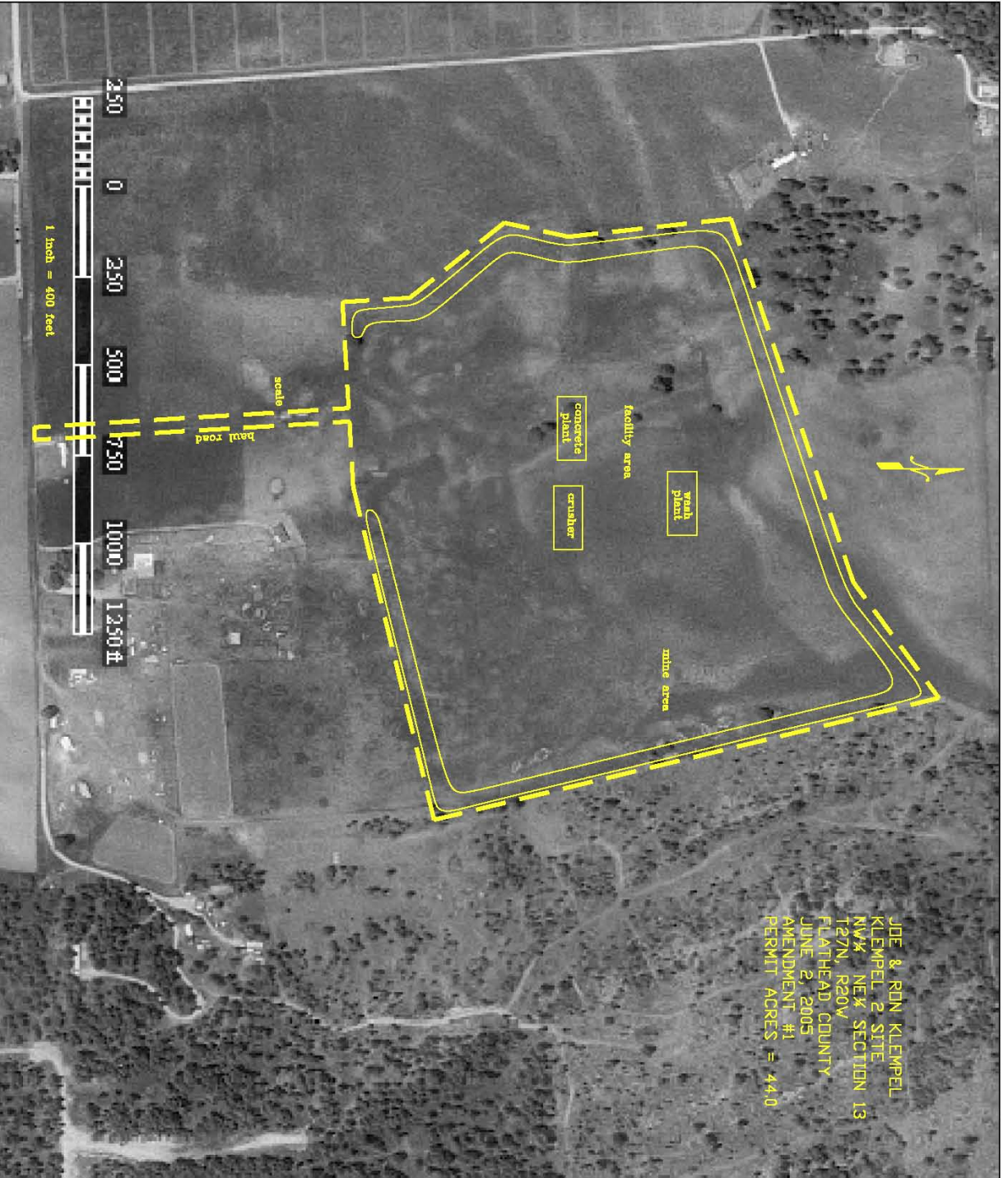
26. Regulatory impact on private property: The analysis conducted in response to the Private Property Assessment Act indicates that no impact on the use of private property is expected.

Recommendation for Further Environmental Analysis:

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

EA Checklist Prepared By: Rod Samdahl Reclamation Specialist
Name Title

Approved By: Neil Harrington Chief, Industrial and Energy
Name Title Minerals Bureau
Signature Date



JOE & RON KLEMPER
KLEMPER 2 SITE
NW¼, NE¼, SECTION 13
T27N, R20W
FLATHEAD COUNTY
JUNE 2, 2005
AMENDMENT #1
PERMIT ACRES = 44.0